

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

MISC CIVIL APPLICATION NO.55 OF 2002

Office notes, Office Memoranda
of Coram, appearances, Court's
orders or directions and
Registrar's orders

Court's or Judge's orders

CORAM: ABHAY S. OKA, J.

DATE : 2ND SEPTEMBER, 2004.

P.C. :-

1. This Application was heard fully on the last date and the same was adjourned to find out whether the parties are willing to explore the possibility of settlement by appointing a Mediator. Learned counsel appearing for the applicant states that the Applicant is not willing to appoint Mediator. Therefore I am deciding the

application on merits.

2. The Applicant is the wife and the Respondent is the Husband. Applicant is residing at Kurla, Mumbai and the Respondent is the resident of Nasik. The Respondent has filed a petition bearing Matrimonial Petition No. 8 of 2000 in the Court of Civil Judge Senior Division at Nasik praying for divorce. The ground for transfer as pleaded in the Application is that the Applicant is residing at Mumbai and she has school going daughters. The case is that she is unable to attend the Court at Nasik.

3. The Application is opposed by the Respondent by filing Affidavit in reply. It is stated in the reply that the Respondent will have to take leave and attend

the Court at Mumbai if the Petition filed is transferred to the Court at Mumbai. It is stated that he is a petty worker.

4. I have considered the rival submissions. It is not in dispute that the Applicant is the residing at Kurla, Mumbai alongwith her two daughters who are taking education in Mumbai. It is alleged that the Applicant has no source of income. Considering the fact that the Applicant is residing at Mumbai with her two daughters, it will be not convenient for the wife to attend to the proceedings in the Court at Nasik. It is pertinent to note that the Applicant had filed petition for maintenance in the Family Court at Bandra, Mumbai. The said petition was contested by the Respondent by remaining present in the Family Court at Bandra. In

the circumstances, a case is made out for transfer. Application is allowed in terms of prayer clause (a). After the transfer of petition filed by the Respondent in the Family Court at Bandra, the same will be heard as expeditiously as possible and the same shall be disposed of preferably before 31st October, 2005.

Sd/-

JUDGE